

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed August 7, 2006. Applicant respectfully requests reconsideration and favorable action in this case.

Claim Objections

Claims 1, 4, 5, 8-11 and 15-23 were objected to.

Claims 5, 11 and 18 have been amended in conformance with the Examiner's suggestions. In Claims 1, 9-11, 15 and 19-23, the Examiner objected to the use of "configured to", stating that its use made the ensuing limitation optional. Applicant submits that the phrase "configured to" requires a particular state or ability, as opposed to the phrase "is configurable to" which in some contexts simply makes the state optional. Applicant respectfully submits that "configured to" is acceptable claim language. Indeed, "configured" appears in approximately 190,000 patents, based upon a search of issued patents since 1976 conducted using the USPTO search engine on the USPTO website. Accordingly, withdrawal of this objection is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1-3, 7, 9, 12-14 and 19-23 were rejected as anticipated by U.S. Patent No. 6,731,644 ("Epps").

Claims 1, 9 and 19

In response to the previous office action, Applicant submitted that Claims 1, 9 and 19 were novel in light of Epps because said claims taught *duplicating* header information, whereas Epps teaches *removing* a fixed n bytes from a packet. See Epps, column 5, lines 45-55 and column 7, lines 5-10. In the current office action, Examiner states that "Claim 1 does not actually require duplication of header information." Claims 1, 9 and 9 and the respective dependant claims have been amended to recite: "duplicated header information." Applicant respectfully submits that said claims are novel in light of Epps because Epps does not teach duplicating header information. Epps teaches removing a fixed n bytes from a packet. See Epps, column 5, lines 45-55 and column 7, lines 5-10. Accordingly, withdrawal of this objection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 6 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,731,644 ("Epps") in view of U.S. Patent No. 6,317,415 ("Darnell")

In order to establish a prima facie case of obviousness, the Examiner must show: that the prior art references teach or suggest all of the claim limitations; that there is some suggestion or motivation in the references (or within the knowledge of one of ordinary skill in the art) to modify or combine the references; and that there is a reasonable expectation of success. M.P.E.P. 2142, 2143; In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). The Examiner must explain with reasonable specificity at least one rejection – otherwise, the Examiner has failed procedurally to establish a prima facie case of obviousness. M.P.E.P. 2142; Ex parte Blanc, 13 U.S.P.Q.2d 1383 (Bd. Pat Application. & Inter. 1989). When the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the Examiner to explain why the combination of the teachings is proper. Ex Parte Skinner, 2 U.S.P.Q.2d 1788, 1790 (Bd. Pat. App. & Inter. 1986). Applicant respectfully submits that Epps and Darnell do not teach each of the claim limitations and therefore do not provide sufficient basis for a prima facie case of obviousness.

In particular, Applicant respectfully submits that Claims 6 and 10 depend from claims which have been amended to recite "duplicated header information." Because the amended claims teach duplicating header information whereas Epps teaches removing a fixed n bytes- see Epps, column 5, lines 45-55 and column 7, lines 5-10-Applicant respectfully submits that Epps and Darnell do not teach each of the claim limitations because Epps and Darnell do not teach duplicating header information, as such, the combination of Epps and Darnell does not provide a sufficient basis for a prima facie case of obviousness. Accordingly, withdrawal of this objection is respectfully requested.

CONCLUSION

Applicant respectfully requests that the Examiner withdraw his rejections of Claims 1, 9 and 19 and the respective dependant claims. Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of the pending claims. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

Sprinkle IP Law Group
Attorneys for Applicant



John L. Adair
Reg. No. 48,828

Date: November 7 2006
1301 W. 25th Street, Suite 408
Austin, TX 78705
Tel. (512) 637-9220
Fax. (512) 371-9088